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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,027	12/15/2003	Michael Guest	2651-262-1	5583
22442	7590	12/13/2005	EXAMINER	
SHERIDAN ROSS PC 1560 BROADWAY SUITE 1200 DENVER, CO 80202			HUSBAND, SARAH E	
			ART UNIT	PAPER NUMBER
			1746	

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/737,027	Applicant(s) GUEST ET AL.	
	Examiner Sarah E. Husband	Art Unit 1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2005.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 20-37 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-3 and 20-37 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicants' arguments/amendments, see page 6, filed 9/30/2005, with respect to 35 U.S.C. §112 have been fully considered and are persuasive. As a result of the amendment, the 35 U.S.C. §112 rejection of claim 3 has been withdrawn.

Applicants' arguments/amendments filed 9/30/2005 with respect to the 35 U.S.C. §103 have been fully considered but they are not persuasive. The Applicants argue that neither Hoenisch nor any of the other references teach a selectively adjustable amount of fluid. However, Hoenisch's apparatus shows that there are four fluids which can be chosen between and therefore, the amounts of each fluid entering the fluid inlets of the selector are selectively adjustable because the amounts can be zero or as much as the design allows to mix in with the water. Alternatively, it seems that the apparatus could be quickly shifted between different outlets thereby causing some mixing and further describing selectively adjustable amounts. With the arguments directed toward claim 27, Applicant argues that the metering means does not selectively alter the ratio of fluids. However, a ratio can be 0/100 or 100/0 and the way that the claim reads seems to indicate that there is a ratio between multiple fluids (or mixture) *in* each of the storage means and Hoenisch discloses the storage means having a concentrate and water mixed together resulting in a ratio of fluids. Therefore, Hoenisch would be considered to read on the claims. Additionally, in the art, it is known to mix fluids in varying proportions.

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 20, 21, and 27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoenisch (US Patent No. 6,571,805) in view of Kasen (US Publication No. 2001/0002500).

Hoenisch discloses a fluid tank having a fluid inlet and outlet (Fig. 3, Item 17 or col. 2, ll. 51-55), a main pump with an inlet and outlet, which is adapted to transfer fluid through the pump outlet into a high-pressure fluid delivery line (Fig. 3, Item 13), a mixing member having at least two fluid inlets and at least one fluid outlet (Fig. 3, Item 19), a selector having at least two fluid inlets and one fluid outlet (Fig. 2, Item 21), at least a first fluid receptacle and a second fluid receptacle, wherein said receptacles are in fluid communication with the at least two fluid inlets of the selector (Fig. 2, Items C1-C4), a first fluid delivery line in communication with the fluid outlet of the selector and a second fluid inlet of the mixing member, a second fluid line in communication with the fluid outlet of the selector and the inlet of the mixing member, a third fluid delivery line in communication with the fluid outlet of the mixing member, and in communication with the inlet of the main pump (Fig. 3).

Although some of the fluid lines are arranged differently, the result is the same in that the mixed fluid is transported to the fluid dispersion device and the courts have ruled that the rearrangement of parts is obvious (In re Japikse, 86 USPQ 70). Hoenisch also discloses a

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fluid dispersion device, adapted to selectively disperse high-pressure fluid received from a high-pressure hose and the device having a trigger (Fig. 1-3, Item 29).

Hoenisch does not disclose a secondary pump or the pump operated by a switch. Kasen discloses the secondary pump (priming valve) in communication with the tank and with the third fluid delivery line adapted to introduce pressurized fluid into the inlet of the main pump, thereby displacing trapped gas through the outlet of the main pump and out the high-pressure fluid delivery line (para. 73). Kasen discloses a means for priming the pump. Although Kasen does not specifically state that the means is a pump, the structure disclosed by Kasen provides the same function and could be considered a pump because it moves fluid. It would have been obvious to one of ordinary skill in the art to accomplish this task with a pump as pumps are commonly known in the cleaning apparatus art. Kasen discloses that different types of pumps can be used in the pump system (para. 73). If applicant can show that there is some unexpected result when using a solenoid pump in comparison to other types of pumps, this will be considered. Kasen also discloses a pump controlled by a switch (para. 44). This switch would control the associated steps to the pumping process and therefore the secondary pump which would be operated prior to the main pump because the pump should be primed before being operated as Kasen discloses. Operating a pump by a switch is commonly found in the portable cleaning apparatus. If this was not the case, the apparatus would operate continuously.

Hoenisch and Kasen are analogous art because they are from the same field of endeavor, portable cleaning apparatus. At the time of the invention, it would have been

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obvious to one of ordinary skill in the art to modify the structure disclosed by Hoenisch with a secondary pump in order to prime the pump as disclosed by Kasen (para. 73) and also a switch for the benefit of controlling the operation of the cleaning apparatus.

Claim 23-26 and 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoenisch and Kasen as applied to claims 1-3, 20, 21 and 27-29 above, and further in view of Williams (US Patent No. 5,221,026).

Hoenisch and Kasen disclose the apparatus as shown above in the 103(a) rejection. Hoenisch and Kasen do not specifically disclose a gas bleed valve, however, Hoenisch does disclose having a vent in order to release air from the pump system. Williams discloses using a gas bleed valve to get rid of air in the system (col. 5, ll. 16-18). It is also common in the art to use manual or controlled valves and it would have been obvious to modify the structure accordingly. At the time of the invention, it would have been obvious to modify the structure shown by Hoenisch and Kasen with an air bleed valve in order to remove air from the pump system.

Claims 22 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoenisch and Kasen as applied to claims 1-3, 20, 21 and 27-29 above, and further in view of Field (US Patent No. 6,705,332).

Hoenisch and Kasen disclose the apparatus shown above in the first 103(a) rejection but they do not disclose a check valve associated with the pump. Field discloses the check valve (Fig. 3, Item 76). At the time of the invention, it would have been obvious to one of

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ordinary skill in the art to modify the pump system disclosed by Hoenisch and Kasen with a check valve in order to ensure the proper operation of the pump.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art not referred to are Adelt (US 5,311,892), Shaffer (US 4,821,958) and Teague (US 5,383,605), who teach portable cleaning apparatus. Also disclosed as prior art are Heinicke (US 3,322,350), who discloses multiple fluid storage tanks emptying into a mixing vessel the tanks being controlled by valves and therefore the ratio selectively adjustable, and Dalhart (US 5,653,261), who teaches a fluid-selecting valve.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah E. Husband whose telephone number is (571) 272-8387. The examiner can normally be reached on M-F 7:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael E. Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SEH

MICHAEL BARR
SUPERVISORY PATENT EXAMINER

A handwritten signature in black ink, appearing to read 'Michael Barr', with a long horizontal flourish extending to the right.